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11  
12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 NAMIT BHATNAGAR, an individual,

15 Plaintiff,

16 v.

17 MEDCO HEALTH LLC, a foreign limited  
18 liability company doing business in  
19 Nevada, DOES I through X and ROES I  
20 through X,

21 Defendants.

Case No. 2:11-cv-00914-PMP-LRL

**STATEMENT IN RESPONSE TO ORDER  
CONCERNING REMOVAL**

22 Comes now Defendant Medco Health LLC (hereinafter referred to as "Defendant"), by  
23 and through its counsel and, in response to the Court's June 6, 2011 Minute Order, provides the  
24 following information:

25 1. On or about May 16, 2010, copies of the Summons and Complaint filed by  
26 Plaintiff Namit Bhatnager (hereinafter referred to as "Plaintiff") in the Eighth Judicial District  
27 Court, Case No. A-11-641301-C were served on the Defendant.

28 2. This action was removed to this court pursuant to the provisions of 28 U.S.C. §  
1441(b), in that it is a civil action arising under the Constitution, laws, or treaties of the United  
States. More specifically, although Plaintiff has not alleged a violation of a federal statute in his  
complaint, each of his four claims is preempted by Section 301 of the Labor Management  
Relations Act, 29 U.S.C. § 185.

1           3.       The Notice of Removal was filed on June 6, 2011 which was within 30 days of the  
2 receipt by Defendant of the Summons and Complaint in this matter.

3           4.       A copy of the June 6, 2010 Minute Order is attached hereto as Exhibit A. Counsel  
4 for the removing Defendant has served a copy of the Minute Order on the Plaintiff. On  
5 information and belief, no other parties have appeared or been served.

6           5.       I certify as a member of the Bar of this Court that the foregoing is true and correct  
7 to the best of my knowledge, information and belief.  
8

9           Dated this 21st day of June, 2011.

10  
11 JACKSON LEWIS LLP

12 /s/ Paul T. Trimmer

13 Gary C. Moss

14 Paul T. Trimmer

15 3960 Howard Hughes Parkway, Suite 450

16 Las Vegas, Nevada 89169

17 *Attorneys for Defendant*  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee Jackson Lewis LLP and that on this 21st day of June, 2011, I caused to be sent via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing **DEFENDANT'S STATEMENT IN RESPONSE TO ORDER CONCERNING REMOVAL** properly addressed to the following:

Namit Bhatnagar  
273 Great Duke Avenue  
Las Vegas, Nevada 89183  
Plaintiff

/s/ Rae Christakos  
Employee of Jackson Lewis LLP

# EXHIBIT A

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

NAMIT BHATNAGAR,  
Plaintiff(s),

vs.

MEDCO HEALTH, LLC,  
Defendant(s).

2:11-cv-00914-PMP -LRL

MINUTES OF THE COURT

June 6, 2011

PRESENT:

The Honorable Philip M. Pro, U.S. District Judge

Deputy Clerk: Aaron Blazeovich

Recorder/Reporter: None Appearing

Counsel for Plaintiff(s): None Appearing

Counsel for Defendant(s): None Appearing

**MINUTE ORDER IN CHAMBERS:**

TO ALL PARTIES REMOVING ACTIONS TO THE COURT:

You must, no later than fifteen (15) days from the date hereof, file and serve a signed statement under the above case number and caption that sets forth the following information:

1. The date(s) on which you were served with a copy of the complaint in the removed action.
2. The date(s) on which you were served with a copy of the summons.
3. In removals based on diversity jurisdiction, the names of any served defendants who are citizens of Nevada, the citizenship of the other parties and a summary of defendant's evidence of the amount in controversy.
4. If your notice of removal was filed more than thirty (30) days after you first received a copy of the summons and complaint, the reason removal has taken place at this time and the date you first received a paper identifying the basis for removal.

5. In actions removed on the basis of the court's jurisdiction in which the action in state court was commenced more than one year before the date of removal, the reasons this action should not summarily be remanded to the state court.
6. The name(s) of any defendant(s) known to have been served before you filed the notice of removal who did not formally join in the notice of removal and the reasons they did not.

**IT IS FURTHER ORDERED** that all defendants who joined in the notice of removal may file the statement required by the foregoing jointly.

**IT IS FURTHER ORDERED** that counsel shall have thirty (30) days within which to file a Joint Status Report which must:

1. Set forth the status of this action, including a list of any pending motions and/or other matters which require the attention of this court.
2. Include a statement by counsel of action required to be taken by this court.
3. Include as attachments copies of any pending motions, responses and replies thereto and/or any other matters requiring the court's attention not previously attached to the notice of removal.

**IT IS FURTHER ORDERED** that the removing defendant(s) shall serve a copy of this Order on all other parties to the action no later than the time they file and serve a copy of the Statement required by this Order. A party who learns that the Statement(s) filed pursuant to this Order contain(s) incorrect information shall promptly notify this court in writing.

**IT IS SO ORDERED.**

The date of the Clerk's file stamp shall constitute the date of this order.

LANCE S. WILSON, CLERK

By: /s/ Aaron Blazeovich

Deputy Clerk